

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09	VALVE, L.L.C., a Washington Limited )	CASE NO. C02-1683TSZ
10	Liability Company, )	
11	Plaintiff, )	ORDER RE: DEPOSITION DISPUTE
12	v. )	
13	SIERRA ENTERTAINMENT, INC. (AKA )	
14	SIERRA ON LINE, INC.), a Delaware )	
15	Corporation, et al., )	
16	Defendants. )	

The Court held a telephone conference on November 17, 2004, in order to resolve a discovery dispute concerning several depositions which took place in Singapore. Plaintiff argued that defendants obstructed the depositions, particularly in relation to certain documents, and sought associated fees and costs. Defendants denied that any obstruction took place and argued that plaintiff improperly sought to inquire into inadvertently produced documents protected by the attorney-client privilege and/or the work product doctrine. Having considered the arguments of the parties and all documents submitted to the Court, the Court found as follows:

- (1) The Court previously ruled that three documents produced by defendants, none of which were at issue in the Singapore depositions, were inadvertently produced and constituted work product prepared in anticipation of litigation and at the behest of

01 counsel, and/or contained privileged attorney-client communications. (Dkt. 210.)  
02 Although at the time of that ruling defendants indicated their belief as to the  
03 existence of additional inadvertently produced documents, they did not address this  
04 issue with the Court prior to the Singapore depositions. Absent a ruling from the  
05 Court finding any additional documents protected by the attorney- client privilege  
06 and/or work product doctrine, plaintiff may question deponents on all documents  
07 produced in discovery. Accordingly, plaintiff's request to further question Franck  
08 Villet, Mark Warburton, and Chloe Rothwell, the Singapore deponents, is  
09 GRANTED. The depositions should be scheduled to occur no later than  
10 **December 31, 2004**. Should defendants seek to assert that any additional  
11 documents are privileged and/or work product, they must file a motion with the  
12 Court in time to be resolved prior to those depositions.

13 (2) Plaintiff's request for fees and costs associated with the Singapore depositions is  
14 DENIED. Plaintiff would have expended those sums regardless of the above  
15 described dispute. Plaintiff's request for fees and costs associated with the  
16 retaking of the three depositions is DENIED at this time, absent a showing that the  
17 costs would not have occurred had the depositions continued.

18 (3) The Clerk is directed to send a copy of this Order to counsel and to the Honorable  
19 Thomas S. Zilly.

20 DATED this 18th day of November, 2004.

21 s/ Mary Alice Theiler  
22 United States Magistrate Judge  
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